

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.12383 of 2005

Dated 10-07-2007

Between:

A. Sai Gurunath

...Petitioner

And

The Government of Andhra Pradesh,
Rep. By its Secretary to Govt. (Accom.),
and another

...Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.12383 of 2005

ORDER:

The petitioner is a Driver in the High Court of Andhra Pradesh.

He was allotted a residential quarter No.MC-4, at Malakpet Colony, Hyderabad, on out of turn basis. The 2nd respondent received complaint from the neighbour, by name, P.Satish Babu, that the petitioner is creating nuisance by gathering drunkard people, and using filthy language, against the neighbours. The 2nd respondent ordered enquiry into the matter. The Deputy Tehsildar, in the office of the 2nd respondent, conducted enquiry and reported that the wife of the petitioner is running a baby care centre in the quarter, and the neighbours are objecting to it, and suggested action against the petitioner. On receiving the report, the 2nd respondent issued notice of hearing to the petitioner. A representation dated 06-11-2003 was submitted by the petitioner. It is stated, *inter alia*, that the baby care centre was closed. However, further enquiry was conducted by the 2nd respondent himself, and a report dated 03-11-2004 was submitted to the 1st respondent, pointing out that the baby care centre was being still continued, and the nuisance is prevailing. Ultimately, the allotment in favour of the petitioner was cancelled through order dated 23-05-2005. The same is challenged in this writ petition.

The petitioner alleges that he was not given opportunity to explain the relevant facts, and that the allegations made against him are not true.

In the counter-affidavit filed on behalf of the respondents, the facts, that led to the cancellation of the allotment, are stated. It is alleged that the petitioner resorted to nuisance and misuse of the premises, and that left with no alternative, they have cancelled the allotment.

Heard Sri A.K. Jayaprakash, learned counsel for the petitioner,

and learned Government Pleader for General Administration Department.

As observed earlier, the allotment, in favour of the petitioner, was on out of turn basis. He ought to have maintained good relations with neighbours and lived peacefully in the quarter. The record, however, disclosed that, apart from resorting to acts of drunkardness, he has misused the premises, by running baby care centre. Repeated warnings administered to the petitioner did not yield any results. The petitioner was issued a notice, and in response thereto, he submitted a representation also. On finding that the violations persisted even after the enquiry, the respondents cancelled the allotment. This Court does not find any basis to interfere with the same.

Learned counsel for the petitioner submits that the case of the petitioner may be considered for allotment of a quarter in a different place, as provided for, under Rule 19 of the Rules for Allotment of Government Quarters (for short '*the Rules*'), issued in G.O.Ms.No.248, dated 17-05-1973. Sub-rule (3) of Rule 19 provides that, where the allotment of a quarter is cancelled, due to the conduct of the allottee, prejudicial to the maintenance of harmonious relations with neighbours, or other residents, the authority shall allot another quarter of the same class, in the same locality, or any other locality, to the concerned individual. There is no reason why the petitioner be not extended this benefit.

Hence, the writ petition is disposed of, upholding the order of cancellation, passed against the petitioner, but directing that, the respondents shall consider the feasibility of allotment of another quarter to the petitioner, in accordance with Rule 19 of the Rules. The petitioner is granted one month's time to vacate the premises.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.10-07-2007.

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